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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 CHARLES B. FORD,

11 Petitioner,

No. CIV S-05-0366 MCE EFB P

12 vs.

13 A. P. KANE, Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding without counsel on a petition for a writ of habeas
17 corpus. *See* 28 U.S.C. § 2254. Currently pending before the court is petitioner's request to file a
18 supplemental pleading. For the reasons explained below, the court construes the request as one
19 to file a supplemental brief and, thus construed, grants the request.

20 Petitioner's February 24, 2005, petition challenges his convictions for possession of
21 methamphetamine and corporal injury on the mother of his minor child. He asserts that his
22 convictions were obtained in violation of the Sixth Amendment because the trial court admitted
23 into evidence the victim's statement to the police, but she herself did not testify. Respondent has
24 answered the petition, and petitioner filed a reply thereto. In the pending request, petitioner
25 makes the additional argument that his rights were violated by the admission of the victim's
26 statements to the police. Respondent has not opposed the request.

1 The Federal Rules of Civil Procedure permit the supplementation of pleadings. A
2 supplemental pleading is one which sets out “any transaction, occurrence, or event that happened
3 after the date of the pleading to be supplemented.” Fed. R. Civ. P. 15(d). A supplemental brief,
4 on the other hand, merely provides additional argument about a matter already before the court.
5 Here, petitioner provides argument about grounds for relief he raised in the petition. Thus, the
6 court construes the filing as a request to file a supplemental brief. Since the respondent has not
7 filed any document in response to petitioner’s request and petitioner is without counsel, the court
8 accepts the document as a supplemental brief.

9 Accordingly, it is ORDERED that petitioner’s August 20, 2008, request to file a
10 supplemental pleading hereby is construed as a request to file a supplemental brief and, thus
11 construed, is granted. The court deems the matter fully submitted and will not accept further
12 briefing of the issues.

13 Dated: November 24, 2008.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE
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